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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,997	09/01/2000	Clarence H. Martin	TB3/TL	6792

23844 7590 04/29/2003

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EXAMINER

GORDON, PAUL P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 04/29/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,997

Applicant(s)

Martin et al.

Examiner

Gordon

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-179 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-32, 34, 35, 37-39, 59-71, 73-78, 82-86, 90, 91, 93-97, 99-106, 115-122, 126-129, 131-139, 142-161, 163 and 165-179 is/are allowed.
- 6) ☒ Claim(s) 33, 36, 40-58, 72, 79-81, 87-89, 92, 98, 107-114, 123-125, 130, 140, 141, 162, 164 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

2. The abstract of the disclosure is objected to because it is too short. Correction is required. See MPEP§608.01(b).

3. The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 33, 36, 40, 41, 44, 47, 50, 72, 79-81, 87, 92, 98, 107, 123, 130, and 140 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, lines 3-4, the phrase, "said specified parameters", lacks proper antecedent basis.

In claim 36, line 15, the phrase, "the laser", lacks antecedent basis.

In claim 40, line 2, the phrase, "the lasing", lacks antecedent basis.

In claim 41, line 6, the phrase, "the material", lacks antecedent basis.

In claim 44, line 1, the phrase, "said file", lacks antecedent basis.

In claim 47, line 1, the phrase, "said garment", lacks antecedent basis.

In claims 50, 72, 80, and 81, line 1, the phrase, "said pattern", lacks antecedent basis.

In claim 79, line 1, the phrase, "said memory", lacks antecedent basis.

In claim 87, line 2, the phrase, "the simulated pattern", lacks antecedent basis.

In claim 92, line 1, the phrase, "the stored pattern", lacks antecedent basis.

In claim 98, line 1, the phrases, "said translating"; line 4, "said power levels", both lack antecedent basis.

In claim 107, lines 6-7, the phrase, "said level of abrasion", lacks antecedent basis.

In claim 123, line 1, the phrase, "said using a laser", lacks antecedent basis.

In claim 130, line 1, the phrase, "said forming", lacks antecedent basis.

In claim 140, lines 1-2, the phrase, "said second garment", lacks antecedent basis.

Claims 42-58, 88, 89, 108-114, 124, 125, 141, 162, and 164 also stand rejected based on their dependency on rejected base claims.

5. Claims 1-32, 34, 35, 37-39, 59-71, 73-78, 82-86, 90, 91, 93-97, 99-106, 115-122, 126-129, 131-139, 142-161, 163, 165-179 are allowed over the prior art of record.

6. Claims 33, 36, 40-58, 72, 79-81, 87-89, 92, 98, 107-114, 123-125, 130, 140, 141, 162, and 164 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in this Office action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Gordon whose telephone number is (703) 305-9760. The examiner can normally be reached on Mondays through Thursdays from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


PAUL P. GORDON
PRIMARY EXAMINER

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April 21, 2003